

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6940 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PRATAPSINH VIRBHANBHAI VAINSH

Versus

STATE OF GUJARAT

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Appearance:

MR PS CHAMPANERI for Petitioners

Mr. PG Desai, GP for respondent No.1,2 and 3.

Mr. Tushar Mehta for respondent No. 5.

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CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 09/10/97

ORAL JUDGEMENT

While the hearing is in progress, the learned Government Pleader who appears for respondents Nos. 1,2 and 3 states that in view of the decision of the Division Bench of this Court consisting of Hon'ble Mr. Justice S.D.Shah and Hon'ble Mr. Justice K.R.Vyas rendered in Special Civil Application No. 6877 of 1994, on 24th May, 1994, as per which hearing is required to be given before

exclusion of any names from the provisionsl voters' list, the petitioners and such other concerned persons will be given hearing in respect of the objections against the provisional list in accordance with rule 6(4) of the Gujarat Specified Cooperative Societies (Election to Committees ) Rules, 1982. It is also stated by the learned Government Pleader that after the publication of the final list of voters under Rule 7, the Collector, Junagadh will declare the election programme as per rule 16 of the said rules. It is stated that earlier, Kodinar Taluka was in Amreli District but now it is in Junagadh District and that is why in view of the provisions of section 145-B(a) which defines "Collector", the collector having jurisdiction over the said area will be the Collector of Junagadh and all the steps required to be taken under the said Rules for holding the election will hereafter be taken by the Collector, Junagadh.

The learned counsel appearing for respondent No. 5 states that the respondent No. 5 is not agreeable to this stand taken by the Government and that the respondent No. 5 reserves his right to challenge this stand on the grounds available to him under the law.

The learned counsel for the petitioners states that in view of the statement made by the learned Government Pleader for respondent No. 1, 2 and 3, the petitioners seek permission to withdraw this petition. Permission is granted. Rejected as withdrawn. Rule is discharged with no order as to costs.

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Vyas